

# **Exhibit B-9**

Interpretation of the Supreme People's Court on the Application of the Civil  
Procedure Law of the People's Republic of China [Effective]  
最高人民法院关于适用《中华人民共和国民事诉讼法》的解释 [现行有效]

【Print】

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Announcement of the Supreme People's Court

最高人民法院公告

The Interpretation of the Supreme People's Court on the Application of  
the Civil Procedure Law of the People's Republic of China, as adopted  
at the 1636th meeting of the Judicial Committee of the Supreme  
People's Court on December 18, 2014, is hereby issued, and shall  
come into force on February 4, 2015.

《最高人民法院关于适用〈中华人民共  
和国民事诉讼法〉的解释》已于2014年  
12月18日由最高人民法院审判委员会第  
1636次会议通过，现予公布，自2015年  
2月4日起施行。

Supreme People's Court

最高人民法院

January 30, 2015

2015年1月30日

Interpretation of the Supreme People's Court on the Application of the  
Civil Procedure Law of the People's Republic of China

最高人民法院关于适用《中华人民共和  
国民事诉讼法》的解释

(Adopted at the 1636th meeting of the Judicial Committee of the  
Supreme People's Court on December 18, 2014, Interpretation No. 5  
[2015] of the Supreme People's Court)

（2014年12月18日最高人民法院审判委  
员会第1636次会议通过 法释〔2015〕5  
号）

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On August 31, 2012, the Decision on Amending the Civil Procedure Law of the People's Republic of China was deliberated and adopted at the 28th session of the Standing Committee of the Eleventh National People's Congress. In accordance with the Civil Procedure Law as amended and in consideration of the civil trial and enforcement practices of the people's courts, this Interpretation is developed.

2012年8月31日，第十一届全国人民代表大会常务委员会第二十八次会议审议通过了《关于修改〈中华人民共和国民事诉讼法〉的决定》。根据修改后的民事诉讼法，结合人民法院民事审判和执行工作实际，制定本解释。

## I. Jurisdiction

### 一、管辖

Article 1 As mentioned in Article 18(1) of the Civil Procedure Law, "major foreign-related cases" includes a case involving a large amount in dispute, a case with complicated circumstances, a case in which one side consists of a large number of parties, and other cases having a major impact.

**第一条** 民事诉讼法第十八条第一项规定的重大涉外案件，包括争议标的额大的案件、案情复杂的案件，或者一方当事人人数众多等具有重大影响的案件。

Article 2 Patent infringement cases shall be under the jurisdiction of intellectual property courts, as well as the intermediate people's courts and basic people's courts specified by the Supreme People's Court.

**第二条** 专利纠纷案件由知识产权法院、最高人民法院确定的中级人民法院和基层人民法院管辖。

Cases of maritime affairs and maritime commerce shall be under the jurisdiction of maritime courts.

海事、海商案件由海事法院管辖。

For facts concerning an identity relationship, national interests or public interests which the people's court shall investigate into based on their powers and functions, the preceding paragraph shall not apply.

Where the facts acknowledged by a party are inconsistent with the facts verified, the people's court will not confirm them.

Article 93 A party need not provide evidence for the following facts:

- (1) Natural laws and theorems.
- (2) Facts known to all.
- (3) Facts deduced from legal provisions.
- (4) Facts established on the basis of known facts and daily life experience.
- (5) Facts confirmed by effective rulings issued by people's courts.
- (6) Facts confirmed by effective awards rendered by arbitration agencies.
- (7) Facts proven by effective notarization documents.

The facts mentioned in items (2) through (4) shall be excluded if the party has contrary evidence which suffices to refute, and the facts mentioned in items (5) through (7) shall be excluded if the party has contrary evidence which suffices to overturn.

Article 94 The evidence which a party and its litigation representative are unable to collect for some objective reasons as mentioned in paragraph 2, Article 64 of the Civil Procedure Law includes:

- (1) Evidence that is preserved by the relevant state authority and to which both the party and its litigation representative have no access for consulting and taking.
- (2) Evidence concerning state secrets, trade secrets or personal privacy.
- (3) Other evidence which the party and its litigation representative are unable to collect for some objective reasons

For evidence which a party and its litigation representative are unable to collect for some objective reasons, the party may apply in written to the people's court for investigation and collection before the expiry of the evidence-producing term.

对于涉及身份关系、国家利益、社会公共利益等应当由人民法院依职权调查的事实，不适用前款自认的规定。

自认的事实与查明的事实不符的，人民法院不予确认。

**第九十三条** 下列事实，当事人无须举证证明：

- （一）自然规律以及定理、定律；
- （二）众所周知的事实；
- （三）根据法律规定推定的事实；
- （四）根据已知的事实和日常生活经验法则推定出的另一事实；
- （五）已为人民法院发生法律效力裁判所确认的事实；
- （六）已为仲裁机构生效裁决所确认的事实；
- （七）已为有效公证文书所证明的事实。

前款第二项至第四项规定的事实，当事人有相反证据足以反驳的除外；第五项至第七项规定的事实，当事人有相反证据足以推翻的除外。

**第九十四条 民事诉讼法第六十四条** 第二款规定的当事人及其诉讼代理人因客观原因不能自行收集的证据包括：

- （一）证据由国家有关部门保存，当事人及其诉讼代理人无权查阅调取的；
- （二）涉及国家秘密、商业秘密或者个人隐私的；
- （三）当事人及其诉讼代理人因客观原因不能自行收集的其他证据。

当事人及其诉讼代理人因客观原因不能自行收集的证据，可以在举证期限届满前书面申请人民法院调查收集。

For property unsuitable to be kept by the preserved person, a people's court may entrust the keeping to others or the preservation applicant.

Security interest occupied by a security interest holder by seizure, detention, or freezing shall generally be kept by the security interest holder. For those kept by a people's court, the right of pledge and the lien shall not be eliminated due to the adoption of preservation measures.

Article 155 Property kept by the preserved person as designated by a people's court may be continuously used by the preserved person, if continuous use has no significant impact on the value of such property. Property kept by a people's court or kept by others and the preservation applicant upon commission shall not be used by the people's court or other keepers.

Article 156 A people's court which takes property preservation methods and measures shall handle it in accordance with the relevant provisions of the enforcement procedure.

Article 157 A people's court may adopt the measure of property preservation to the object under mortgage, pledge or lien, but the mortgagee, pledgee or lienor has the priority of compensation.

Article 158 For the receivable proceeds due to the debtor, the people's court may adopt the measure of property preservation and restrict the debtor from drawing these proceeds, and notify the relevant entity of offering assistance in the enforcement.

Article 159 If the debtor's properties are not enough for the request for property preservation but the debtor has mature creditor's rights to others, the people's court may rule, upon application of the creditor, that others shall not make payment to the debtor. If others request to make payment, the property or money shall be submitted to the people's court.

Article 160 Where a party institutes an action in a people's court having jurisdiction other than the people's court taking pre-action preservation measures, the people's court taking pre-action preservation measures shall transfer the preservation formalities to the court accepting the case. A ruling of pre-action preservation shall be deemed as the ruling made by the people's court to which the formalities are transferred.

Article 161 For a case of appeal filed because the party is not satisfied with the judgment of first instance, if the party concerned transfers, hides, sells or destroys the property before the people's court of second instance receives the case as filed, and the measure of preservation shall be adopted, the people's court of first instance can adopt the

法院可以指定被保全人负责保管；不宜由被保全人保管的，可以委托他人或者申请保全人保管。

查封、扣押、冻结担保物权人占有的担保财产，一般由担保物权人保管；由人民法院保管的，质权、留置权不因采取保全措施而消灭。

**第一百五十五条** 由人民法院指定被保全人保管的财产，如果继续使用对该财产的价值无重大影响，可以允许被保全人继续使用；由人民法院保管或者委托他人、申请保全人保管的财产，人民法院和其他保管人不得使用。

**第一百五十六条** 人民法院采取财产保全的方法和措施，依照执行程序相关规定办理。

**第一百五十七条** 人民法院对抵押物、质押物、留置物可以采取财产保全措施，但不影响抵押权人、质权人、留置权人的优先受偿权。

**第一百五十八条** 人民法院对债务人到期应得的收益，可以采取财产保全措施，限制其支取，通知有关单位协助执行。

**第一百五十九条** 债务人的财产不能满足保全请求，但对他人有到期债权的，人民法院可以依债权人的申请裁定该他人不得对本案债务人清偿。该他人要求偿付的，由人民法院提存财物或者价款。

**第一百六十条** 当事人向采取诉前保全措施以外的其他有管辖权的人民法院起诉的，采取诉前保全措施的人民法院应当将保全手续移送受理案件的人民法院。诉前保全的裁定视为受移送人民法院作出的裁定。

**第一百六十一条** 对当事人不服一审判决提起上诉的案件，在第二审人民法院接到报送的案件之前，当事人有转移、隐匿、出卖或者毁损财产等行为，必须采取保全措施的，由第一审人民法